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HOUSE BILL 533

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Karen E. Giannini

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING NO TIME LIMITATION FOR
COMMENCING PROSECUTION FOR FELONIES RESULTING IN DEATH OR GREAT
BODILY HARM; CLARIFYING THE TIME LIMITATION FOR PROSECUTING A
FIRST DEGREE FELONY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-1-8 NMSA 1978 (being Laws 1963,
Chapter 303, Section 1-8, as amended) is amended to read:

"30-1-8. TIME LIMITATIONS FOR COMMENCING PROSECUTION.--No
person shall be prosecuted, tried or punished in any court of
this state unless the indictment is found or information or
complaint is filed therefor within the time as provided:

A. for a second degree felony not resulting in
death or great bodily harm, within six years from the time the
crime was committed;

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1 B. for a third or fourth degree felony not
2 resulting in death or great bodily harm, within five years from
3 the time the crime was committed;

4 C. for a misdemeanor, within two years from the
5 time the crime was committed;

6 D. for a petty misdemeanor, within one year from
7 the time the crime was committed;

8 E. for any crime against or violation of Section
9 51-1-38 NMSA 1978, within three years from the time the crime
10 was committed;

11 F. for a felony pursuant to [~~Sections~~] Section
12 7-1-71.3, 7-1-72 or 7-1-73 NMSA 1978 [~~or Section 4 of this 2005~~
13 ~~act~~], within five years from the time the crime was committed;
14 provided that for a series of crimes involving multiple filing
15 periods within one calendar year, the limitation shall begin to
16 run on December 31 of the year in which the crimes occurred;

17 G. for any crime not contained in the Criminal Code
18 or where a limitation is not otherwise provided for, within
19 three years from the time the crime was committed; and

20 H. for a capital felony, [~~or~~] a first degree
21 [~~violent~~] felony or any felony resulting in death or great
22 bodily harm, no limitation period shall exist, and prosecution
23 for these crimes may commence at any time after the occurrence
24 of the crime."

25 Section 2. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2009.

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